

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ELIO HERNANDEZ,

Civil No. 18-cv-0742 (MJD/HB)

Petitioner,

v.

WARDEN BIRKHOLTZ and FEDERAL
MEDICAL CENTER ROCHESTER,

**ORDER ON REPORT
AND RECOMMENDATION**

Respondents.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation is **ADOPTED**;
2. Petitioner's application for habeas corpus relief pursuant to 28 U.S.C. § 2241 [Doc. No. 1] is **DENIED**; and
3. This action is **DISMISSED without prejudice** for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 8, 2018

s/ Michael J. Davis

MICHAEL J. DAVIS

United States District Judge